

Fair Housing Rule of 1988 ...Design and Compliance Strategies
Wednesday, November 12, 2003
10:30 a.m. - 12:00 noon

AGENDA

- I. Fair Housing Accessibility Guidelines Slide Show
Handout material: 7 Design and Construction Requirements
- II. Fair Housing Act Provisions Relating to Housing Discrimination Based on Disability
Handout: A Summary of Provisions
- III. Requests for Reasonable Accommodations and Modifications
Handout: Suggested Procedures for Writing a Request
- IV. Questions/Answers

Design and Construction Requirements

The Fair Housing Act establishes the following seven design requirements for all covered, multifamily dwellings consisting of four or more units ready for first occupancy on or after March 13, 1991. The design requirements of the Guidelines where covered multifamily dwelling units must comply are summarized below. Some units may be exempt from these requirements only in the rare instance where there are extremes of terrain or unusual characteristics of the site. Multistory units are exempt from the design and construction requirements.

REQUIREMENT 1	ACCESSIBLE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE <hr/>
	Covered multifamily dwellings must be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of terrain or unusual characteristics of the site. All such dwellings with a building entrance on an accessible route must meet Requirements 2 through 7.
REQUIREMENT 2	ACCESSIBLE AND USABLE PUBLIC AND COMMON USE AREAS <hr/>
	Accessible and Usable Public and Common Use Areas Public and common use areas must be readily accessible and usable by people with disabilities.
REQUIREMENT 3	USABLE DOORS <hr/>
	All doors designed to allow passage into and within all premises must be sufficiently wide to allow passage by persons in wheelchairs.
REQUIREMENT 4	ACCESSIBLE ROUTE INTO AND THROUGH THE COVERED DWELLING UNIT <hr/>
	There must be an accessible route into and through the dwelling units, providing access for people with disabilities.
REQUIREMENT 5	LIGHT SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS IN ACCESSIBLE LOCATIONS <hr/>
	Light switches, electrical outlets, thermostats, and other environmental controls must be placed in accessible locations throughout the premises within the dwelling unit.
REQUIREMENT 6	REINFORCED WALLS FOR GRAB BARS <hr/>
	Bathroom walls must be reinforced to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are provided.
REQUIREMENT 7	USABLE KITCHENS AND BATHROOMS <hr/>
	Dwelling units must contain usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

SOURCES OF MORE INFORMATION

FOR TECHNICAL ASSISTANCE AND PUBLICATIONS

The Center for Universal Design
School of Design
North Carolina State University
Box 8613
Raleigh, NC 27695-8613
(800) 647-6777
FAX (919) 515-7330
www.design.ncsu.edu/cud

FOR HUD PUBLICATIONS

HUD USER
P O Box 6091
Rockville, MD 20850
(800) 245-2691
www.huduser.org

ADDITIONAL TECHNICAL ASSISTANCE AND PUBLICATIONS

Fair Housing Accessibility Guidelines

Final Design Guidelines for Accessible/Adaptable Dwellings, 24 CFR, Chpt. 1, 56 Federal Register (Part VI) 9472-9515, March 6, 1991, Free.

Available from:
HUD
P O Box 6091
Rockville, MD 20850
800-245-2691
<http://www.hud.gov/library/bookshelf09/fhefhag.cfm>

ANSI/CABO A117.1-1998

American National Standard-Accessible and Usable Buildings and Facilities
Revision of ANSI A117.1-1998, \$26.00 + s/h

Available from:
Global Engineering Documents
15 Inverness Way East
Englewood, CO 80112
800-854-7179
www.global.his.com

FURTHER READING SUGGESTIONS

Fair Housing Act Design Manual

Barrier Free Environments, Inc. for the U.S. Department of Housing and Urban Development, 1996, 274 pp., \$5.00 (revision sheets free of charge)

A comprehensive, illustrated manual on meeting the accessibility requirements of the Fair Housing Act. Very thorough and technical, this manual targets housing industry professionals including architects, designers, builders, developers, and property managers. Easy to read, profusely illustrated, it is also a valuable resource to disability advocate groups, consumer groups, and other housing advocacy organizations.

Available from:
HUD
P O Box 6091
Rockville, MD 20850
800-245-2691
www.huduser.org

Cost of Accessible Housing

Steven Winter Associates, Inc. for the U.S. Department of Housing and Urban Development, 1993, 175 pp., \$20.00

A cost analysis of the impact of the Fair Housing Act accessibility requirements on eight multifamily projects. This excellent report also examines some of the impact the accessibility requirements have had on the design of multifamily housing.

Adaptable Housing: Marketable Accessible Housing for Everyone

Barrier Free Environments, Inc. for the U.S. Department of Housing and Urban Development, 1987, 77 pp., \$10.00.

A how-to manual presenting various methods and designs for implementing adaptability in housing that is useful to consumers and housing professionals alike.

Both available from:
HUD USER Web Store
P O Box 6091
Rockville, MD 20850
(800) 245-2691 Florence, KY 41042
(800) 842-3636
http://webstore.huduser.org/web_store.cgi

FURTHER READING SUGGESTIONS

The Accessible Housing Design File

Barrier Free Environments, Inc., Van Nostrand Reinhold, 1991, 213 pp., \$80.00 + state sales tax + \$5.00 s/h

ISBN 0471-284-36X

The most comprehensive accessible design manual available, this book presents design solutions for sites, entrances, doors and doorways, kitchens, bathrooms, and bedrooms via room layouts, floor plans, and detailed illustrations of accessible features.

Available from:

John Wiley & Sons

Customer Care Center

Indianapolis, IN 46256

877-762-2974

www.wiley.com

The New Fair Multifamily Housing

A design primer to assist in understanding the accessibility requirements of the Fair Housing Act. 1996, 36 pp. \$5.00

Available from:

The Center for Universal Design

NC State University

Campus Box 8613

Raleigh, NC 27695-8613

800-647-6777

www.design.ncsu.edu/cud

A Basic Guide to Fair Housing Accessibility

Everything architects and builders need to know about the Fair Housing Act Accessibility Guidelines.

Steven Winter Associates, Inc., 2001, 208 pp., \$45.00 + state sales tax + s/h

ISBN: 0-471-39559-5

Available from:

John Wiley & Sons

Customer Care Center

Indianapolis, IN 46256

988-762-2974

www.wiley.com

THE FAIR HOUSING AMENDMENTS ACT

A Summary of Provisions Relating to Housing Discrimination Based on Disability

PURPOSE

The Fair Housing Amendments Act (FHAA) was signed by President Reagan in September 1988 and became effective on March 12, 1989. The Act is intended to strengthen enforcement of Fair Housing requirements and to extend civil rights protections for families with children and **persons with disabilities**.

The FHAA has three broad purposes in relation to people with disabilities:

- * To end segregation of the housing available to people who have disabilities;
- * To give people with disabilities greater opportunity to choose where they want to live;
- X To assure that reasonable accommodations and modifications be made to the individual needs of people with disabilities in securing and using housing.

Availability and Conditions for Occupancy: It is unlawful to discriminate in the sale or rental of housing, or to discriminate in the terms, conditions, services or facilities provided because of a person's disability or family status. There is a limited exemption for housing designed and operated for elders.

Reasonable Accommodations: The landlord or rental agent cannot refuse to make reasonable accommodations in rules, policies, practice, and services to afford a person with a disability equal opportunity to occupy and enjoy full use of a unit.

Reasonable Modifications: It is unlawful to refuse a person with disability permission to make reasonable modifications to the premises at his or her own expense if such modifications are necessary to allow full use of the premises. The landlord may grant permission for a modification subject to an agreement that the renter will make reasonable restorations of the interior of the unit to its original condition before terminating occupancy.

Design and Construction Requirements: The Act establishes the following seven design standards for all newly constructed, multi-family housing of four or more units ready for first occupancy on or after March 13, 1991. Exceptions are if the last building permit was issued prior to January 13, 1990 or if the site is determined to be impracticable.

All ground floor units and units on floors served by elevators must have the following:

1. At least one building entrance must be on an accessible route;
2. All public and common use areas must be readily accessible to and usable by people with disabilities;
3. All doors providing passage into and within all premises must be sufficiently wide for use by persons in wheelchairs;
4. An accessible route into and through the dwelling;
5. Accessible light switches, electrical outlets, thermostats, and other environmental controls;
6. Reinforcements in bathroom walls to allow installation of grab bars around toilet, tub and shower when needed;
7. Kitchens and bathrooms configured so that a person using a wheelchair can maneuver about the space.

Compliance with **ANSI standards A117.1** will satisfy these requirements. ANSI standards are accessibility guidelines issued by HUD to provide technical assistance in meeting the design requirements. If a State has Fair Housing Law certified by HUD to provide substantially equivalent protection and remedies to the Act, compliance with State law is sufficient.

HUD itself is not required to review the design and construction of all multifamily dwelling covered by the Act. The Act instructs HUD to encourage inclusion of the Federal requirements in State and Local procedures for design review and approval for newly constructed dwellings.

The Complaint Process. Any person who believes that they have been discriminated against may file a complaint within one year or initiate an action in federal court within two years of the event. Complaints may be filed in person or by mail. Information may initially be provided by phone to HUD. HUD will put the complaint in writing and send it to the complainant for signature.

The HUD Fair Housing Complaint Hotline 1-800-669-9777 (voice) or 1-800-927-9275 (TTY)

In a State that has a Fair Housing Law that provides protection and remedies which are substantially equivalent to the Act, the State enforcement agency may receive the complaint directly or by referral from HUD.

Remedies and Damages: After a complaint has been filed, HUD or the State enforcement agency must complete an investigation and make a determination of reasonable cause within one hundred days. If this deadline is not met, HUD or the State agency must notify the complainant in writing stating the reasons for the delay.

In addition to the issuance of orders, Fair Housing complaints may result in the imposition of fines to cover actual damages such as out of pocket expense and lawyer's fees. Civil penalties also may be imposed ranging from a maximum of \$10,000 for a first offense to a maximum of \$50,000 for a third violation.

Suggested Procedures for Writing a Request for a Reasonable Accommodation or Modification

1. Indicate that you qualify as a person with a disability as defined by civil rights laws. it is not necessary to reveal the nature or severity of your disability.

"I qualify as an individual with a disability as defined by the Federal Fair Housing Act Amendments of 1988."

2. State where you live and who is responsible for the building.

"I live at 805 W. Green Street, Apartment #2A. This building is managed by John Doe and owned by you, Jane Smith."

3. Describe the policy, rule, or architectural barrier that is problematic to you.

"There is not any reserved accessible parking in our building's parking lot."

4. Describe how this policy or barrier interferes with your needs, rights, or enjoyment of your housing.

"I am unable to park in regular sized parking places because I need additional space to transfer from my car into a wheelchair."

5. In clear and concise language, describe the change you are seeking in the policy, rule, or barrier.

"I am requesting that you designate a reserved parking space for disabled persons next to the curb cut on the west side of the parking lot."

6. Cite the applicable law which protects your rights.

For reasonable accommodations, quote the law as follows:

"Under The Federal Fair Housing Act Amendments Sec. 804 (42 U.S.C 3604) (f) (3) (B), it is unlawful discrimination for a management company to deny a person with a disability "a reasonable accommodation of building rules or policies if such accommodation may be necessary to afford such person full enjoyment of the premises.."

For reasonable modifications, quote the law as follows:

Under the FHAA, Sec. 804 (42 U.S.C 3604) (f) (3) (B), it is unlawful discrimination for a management company to deny a person with a disability "a reasonable modification of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises.."

7. Ask for a written response within a certain amount of time.

"Please respond in writing to my request within 10 days."

8. Sign and date your request. Remember to always keep a copy of your request for your files.

9. If the request is denied, contact an advocate to determine if your rights have been violated.